

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

AMALGAMATED LIFE INSURANCE COMPANY,

Plaintiff,

-against-

KEISHA BOATSWAIN; KAWESI BOATSWAIN;  
EUNEL TANNIS-BOATSWAIN; ROSAVAL  
BOATSWAIN; and MELONI BOATSWAIN,

Defendants.

17-cv-00091(PKC)(ST)

**AFFIDAVIT IN SUPPORT OF  
MOTION FOR DEFAULT  
JUDGMENT**

STATE OF NEW YORK                    )  
  ) ss.  
COUNTY OF WESTCHESTER        )

**DAVID C. SAPP, ESQ.**, being duly sworn, deposes and says as follows:

1. I am the attorney for Amalgamated Life Insurance Company (“Plaintiff”) in the above-captioned interpleader action, am duly admitted to practice law in the State of New York and before this Court, and am fully familiar with the facts and prior proceedings had herein.

2. I submit this Affidavit in support of Plaintiff’s Motion for Default Judgment and for entry of a Default Judgment against Defendant Eunel Tannis-Boatswain and Defendant Rosaval Boatswain and Defendant Meloni Boatswain in this action, and in compliance with Rule 55(b)(2) of the Federal Rules of Civil Procedure and Rule 55.2 of the Local Civil Rules of this Court.

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1335.

4. This Court further has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as the benefits at issue are subject to the federal Interpleader Act.

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1397 because a substantial part of the events or omissions giving rise to the claim set forth herein occurred in this jurisdiction and one of the Defendants resides within this jurisdiction.

6. This action was commenced on January 6, 2017 by filing of the Complaint with the Court. A true copy of the Summonses and Complaint is annexed hereto as **Exhibit A**.

7. Defendant Eunel Tannis-Boatswain was served in this action with copies of the Summons and Complaint by personal service upon Defendant Eunel Tannis-Boatswain at her usual place of abode on January 10, 2017, and proof of such service was filed with the Court on January 19, 2017. A true copy of the Affidavit of Service of the Summons and Complaint on Defendant Eunel Tannis-Boatswain is annexed hereto as **Exhibit B**.

8. Defendant Rosaval Boatswain was served in this action with copies of the Summons and Complaint by personal service upon her daughter Keisha Boatswain, a co-resident of Defendant Rosaval Boatswain, at Defendant Rosaval Boatswain's usual place of abode on March 2, 2017, and by mailing a copy of the Summons and Complaint by first-class mail to Defendant Rosaval Boatswain at her usual place of abode on March 2, 2017. Service was made pursuant to Rule 4(e)(2)(B) of the Federal Rules of Civil Procedure, and proof of such service was filed with the Court on March 22, 2017. A true copy of the Affidavit of Service of the Summons and Complaint on Defendant Rosaval Boatswain is annexed hereto as **Exhibit C**.

9. Defendant Meloni Boatswain was served in this action with copies of the Summons and Complaint by personal service upon Betty Speights, Defendant Meloni Boatswain's mother and co-resident of Defendant Meloni Boatswain, at Defendant Meloni

Boatswain's usual place of abode on March 2, 2017, and by mailing a copy of the Summons and Complaint by first-class mail to Defendant Meloni Boatswain at her usual place of abode on March 2, 2017. Service was made pursuant to Rule 4(e)(2)(B) of the Federal Rules of Civil Procedure, and proof of such service was filed with the Court on March 22, 2017. A true copy of the Affidavit of Service of the Summons and Complaint on Defendant Meloni Boatswain is annexed hereto as **Exhibit D**.

10. This action seeks to have this Court determine and declare the rights of Defendants, and each of them, to the proceeds of a Life Insurance Policy issued by Plaintiff and seeks to have this Court determine to whom Plaintiff should pay the proceeds of the Life Insurance Policy at issue in the action.

11. The instant application to this Court for the entry of a Default Judgment seeks a judgment against Defendant Eunel Tannis-Boatswain, dismissing Defendant Eunel Tannis-Boatswain from this action, and enjoining and restraining Defendant Eunel Tannis-Boatswain and her agents, attorneys, representatives, assigns and all other persons claiming by, through, or under her or any of them, from instituting or prosecuting further any proceeding in this Court or any other court of law or in equity against the Plaintiff on account of the Life Insurance Policy at issue in this action.

12. The instant application to this Court for the entry of a Default Judgment seeks a judgment against Defendant Rosaval Boatswain dismissing Defendant Rosaval Boatswain from this action, and enjoining and restraining Defendant Rosaval Boatswain and her agents, attorneys, representatives, assigns and all other persons claiming by, through, or under her or any of them, from instituting or prosecuting further any proceeding in this Court or any other court of

law or in equity against the Plaintiff on account of the Life Insurance Policy at issue in this action.

13. The instant application to this Court for the entry of a Default Judgment seeks a judgment against Defendant Meloni Boatswain dismissing Defendant Meloni Boatswain from this action, and enjoining and restraining Defendant Meloni Boatswain and her agents, attorneys, representatives, assigns and all other persons claiming by, through, or under her or any of them, from instituting or prosecuting further any proceeding in this Court or any other court of law or in equity against the Plaintiff on account of the Life Insurance Policy at issue in this action.

14. The time for Defendant Eunel Tannis-Boatswain to answer or otherwise move with respect to the Complaint has expired and, to date, Defendant Eunel Tannis-Boatswain has failed to appear, answer or otherwise move with respect to the Complaint.

15. Defendant Eunel Tannis-Boatswain has not requested any extensions of time to appear, answer, or otherwise move with respect to the Complaint.

16. Defendant Eunel Tannis-Boatswain has defaulted in appearance in the within action, which default has been duly noted by the Clerk of this Court as reflected in the Clerk's Certificate annexed to these papers. A true copy of the Clerk's Certificate is annexed hereto as **Exhibit E**.

17. Defendant Eunel Tannis-Boatswain is not an infant or incompetent person or in the military service of the United States.

18. The time for Defendant Rosaval Boatswain to answer or otherwise move with respect to the Complaint has expired and, to date, Defendant Rosaval Boatswain has failed to appear, answer or otherwise move with respect to the Complaint.

19. Defendant Rosaval Boatswain has not requested any extensions of time to appear, answer, or otherwise move with respect to the Complaint.

20. Defendant Rosaval Boatswain has defaulted in appearance in the within action, which default has been duly noted by the Clerk of this Court as reflected in the Clerk's Certificate annexed to these papers. *See, Exhibit E.*

21. Defendant Rosaval Boatswain is not an infant or incompetent person or in the military service of the United States.

22. The time for Defendant Meloni Boatswain to answer or otherwise move with respect to the Complaint has expired and, to date, Defendant Meloni Boatswain has failed to appear, answer or otherwise move with respect to the Complaint.

23. Defendant Meloni Boatswain has not requested any extensions of time to appear, answer, or otherwise move with respect to the Complaint.

24. Defendant Meloni Boatswain has defaulted in appearance in the within action, which default has been duly noted by the Clerk of this Court as reflected in the Clerk's Certificate annexed to these papers. *See, Exhibit E.*

25. Defendant Meloni Boatswain is not an infant or incompetent person or in the military service of the United States.

**WHEREFORE**, Plaintiff respectfully requests that the Court grant Plaintiff's Motion for Default Judgment against Defendant Eunel Tannis-Boatswain and Defendant Rosaval Boatswain and Defendant Meloni Boatswain, and that said Judgment be duly entered by the Clerk.

Dated: September 15, 2017  
White Plains, New York




David C. Sapp (DS5781)

*Attorney for Plaintiff*

333 Westchester Avenue  
North Building - First Floor  
White Plains, New York 10604  
Telephone: (914) 367-5576:  
[dsapp@amalgamatedlife.com](mailto:dsapp@amalgamatedlife.com)

Sworn to before me this 15th  
day of September 2017

  
Notary Public

**SANDRA STUEBEN**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 01516225743**  
**Qualified in Dutchess County**  
**My Commission Expires July 26, 2018**

## **EXHIBIT A**

AO 440 (Rev. 06/12) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the  
Eastern District of New York

AMALGAMATED LIFE INSURANCE COMPANY,

*Plaintiff(s)*

v.

KEISHA BOATSWAIN; KAWESI BOATSWAIN;  
EUNEL TANNIS-BOATSWAIN; ROSAVAL  
BOATSWAIN; and MELONI BOATSWAIN,

*Defendant(s)*

Civil Action No. 17cv91

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

Keisha Boatswain  
20921 Hollis Avenue  
Queens Village, New York 11429

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) -- or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) -- you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David C. Sapp, Esq.  
333 Westchester Avenue  
North Building-First Floor  
White Plains, New York 10604

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 1/6/2017



DOUGLAS C. PALMER  
CLERK OF COURT

s/Priscilla Bowens

*Signature of Clerk or Deputy Clerk*



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_

on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_

\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is

designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_

on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the  
Eastern District of New York

AMALGAMATED LIFE INSURANCE COMPANY,

\_\_\_\_\_  
*Plaintiff(s)*

v.

KEISHA BOATSWAIN; KAWESI BOATSWAIN;  
EUNEL TANNIS-BOATSWAIN; ROSAVAL  
BOATSWAIN; and MELONI BOATSWAIN,

\_\_\_\_\_  
*Defendant(s)*

Civil Action No. 17cv91

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

Kawesi Boatswain  
110 Majestic Oaks Way S.W.  
Atlanta, Georgia 30331

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David C. Sapp, Esq.  
333 Westchester Avenue  
North Building-First Floor  
White Plains, New York 10604

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



**DOUGLAS C. PALMER**  
CLERK OF COURT

s/Priscilla Bowens

*Signature of Clerk or Deputy Clerk*

Date: 1/6/2017

AO 410 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)*  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)*

on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)*

\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)*

designated by law to accept service of process on behalf of *(name of organization)*

on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_

; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the  
Eastern District of New York

AMALGAMATED LIFE INSURANCE COMPANY,

Plaintiff(s)

v.

KEISHA BOATSWAIN; KAWESI BOATSWAIN;  
EUNEL TANNIS-BOATSWAIN; ROSAVAL  
BOATSWAIN; and MELONI BOATSWAIN,

Defendant(s)

Civil Action No. 17cv91

**SUMMONS IN A CIVIL ACTION**

To: (Defendant's name and address)

Eunel Tannis-Boatswain  
1628 East 92nd Street  
Brooklyn, New York 11236

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David C. Sapp, Esq.  
333 Westchester Avenue  
North Building-First Floor  
White Plains, New York 10604

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



**DOUGLAS C. PALMER**  
CLERK OF COURT

s/Priscilla Bowens

Signature of Clerk or Deputy Clerk

Date: 1/6/2017

AO 140 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (f))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_

on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_

\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is

designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_

on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0 00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/13) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the  
Eastern District of New York

AMALGAMATED LIFE INSURANCE COMPANY,

*Plaintiff(s)*

v.

KEISHA BOATSWAIN; KAWESI BOATSWAIN;  
EUNEL TANNIS-BOATSWAIN; ROSAVAL  
BOATSWAIN; and MELONI BOATSWAIN,

*Defendant(s)*

Civil Action No. 17cv91

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

Rosaval Boatswain  
56 Onderdonk  
Warwick, New York 10990

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David C. Sapp, Esq.  
333 Westchester Avenue  
North Building-First Floor  
White Plains, New York 10604

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 1/6/2017



**DOUGLAS C. PALMER**  
CLERK OF COURT

s/Priscilla Bowens

*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 1)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (f))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_

on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_

\_\_\_\_\_, a person of suitable age and discretion who resides there.

on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is

designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_

on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: \_\_\_\_\_

AO 440 (Rev. 06-12) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the  
Eastern District of New York

AMALGAMATED LIFE INSURANCE COMPANY,

*Plaintiff(s)*

v.

KEISHA BOATSWAIN; KAWESI BOATSWAIN,  
EUNEL TANNIS-BOATSWAIN; ROSAVAL  
BOATSWAIN; and MELONI BOATSWAIN,

*Defendant(s)*

Civil Action No. 17cv91

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

Meloni Boatswain  
550 Okeechobee Boulevard  
West Palm Beach, Florida 33401

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David C. Sapp, Esq.  
333 Westchester Avenue  
North Building-First Floor  
White Plains, New York 10604

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



DOUGLAS C. PALMER  
CLERK OF COURT

Date: 1/6/2017

s/Priscilla Bowens

*Signature of Clerk or Deputy Clerk*



AO 440 (Rev. 06-12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (f))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_

on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_

\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is

designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_

on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

AMALGAMATED LIFE INSURANCE COMPANY,

Plaintiff,

-against-

KEISHA BOATSWAIN; KAWESI BOATSWAIN;  
EUNEL TANNIS-BOATSWAIN; ROSAVAL  
BOATSWAIN; and MELONI BOATSWAIN,

Defendants.

**COMPLAINT**

Plaintiff, by its attorney David C. Sapp, Esq., for its interpleader complaint respectfully  
allege as follows:

**NATURE OF ACTION**

1. This is an action in interpleader brought under Sections 1335, 1397, and 2361, Title  
28, United States Code, 28 U.S.C. § 1335, 1397, and 2361.

**JURISDICTION AND VENUE**

2. Two or more adverse claimants in this action are of diverse citizenship, and the  
amount in controversy exceeds \$500.00 as hereinafter more fully appears. This Court has  
jurisdiction of this cause and venue is proper in this district and division pursuant to 28 U.S.C. §  
1397.

**THE PARTIES**

3. Plaintiff Amalgamated Life Insurance Company ("Amalgamated Life") is a life  
insurance company organized and existing under the laws of the State of New York and is a

citizen of the State of New York and having its principal place of business at 333 Westchester Avenue, North Building, White Plains, New York 10604.

4. Upon information and belief, Defendant Keisha Boatswain is an adult resident citizen of the State of New York, residing at 20921 Hollis Avenue, Queens Village, New York 11429, which is within the Eastern District of New York, and where she may be served with process of this Court

5. Upon information and belief, Defendant Kawesi Boatswain is an adult resident citizen of the State of Georgia, residing at 110 Majestic Oaks Way S.W., Atlanta, Georgia 30331, where he may be served with process of this Court.

6. Upon information and belief, Defendant Eunel Tannis-Boatswain is a resident of the State of New York, residing at 1628 East 92<sup>nd</sup> Street, Brooklyn, New York 11236, which is within the Eastern District of New York, and where she may be served with process of this Court.

7. Upon information and belief, Defendant Rosaval Boatswain is a resident of the State of New York, residing at 56 Onderdonk, Warwick, New York 10990, where she may be served with process of this Court.

8. Upon information and belief, Defendant Meloni Boatswain is an adult resident of the State of Florida residing at 550 Okeechobee Boulevard, West Palm Beach, Florida 33401, where she may be served with process of this Court.

**AS FOR THE FIRST INTERPLEADER CLAIM**

9. Upon information and belief, plaintiff Amalgamated Life, pursuant to an agreement with Correction Captains Association ("the Association") issued a life insurance contract providing a group life insurance benefit to participants in the Association. Such contract provided that plaintiff Amalgamated Life would pay on behalf of its insured Kenneth A. Boatswain, a participant in the Association, under the group life benefit policy number 260B98 ("the Policy") a total benefit of \$30,000.00 plus interest thereon in the event of the death of Mr. Boatswain. The Policy thus created a fund in the principal amount of \$30,000.00 payable to a beneficiary upon the death of Mr. Boatswain.

10. Upon information and belief, Mr. Boatswain died on October 25, 2016

11. Upon information and belief, Amalgamated Life's review of the business records maintained by Amalgamated Life and the Association disclosed that, on or about October 15, 2003, Mr. Boatswain executed an Association Benefits Fund Enrollment Form ("Enrollment Form") identifying defendant Meloni Boatswain and defendant Keisha Boatswain as his daughters and defendant Kawesi Boatswain as his son and identifying defendant Keisha Boatswain and defendant Kawesi Boatswain as the designated beneficiaries of the group life benefit under the Policy at issue herein.

12. Upon information and belief, Amalgamated Life's review of the business records maintained by Amalgamated Life and the Association disclosed that on or about March 1, 2006 Mr. Boatswain executed an Association Benefits Fund Enrollment Form ("the 2006 Enrollment Form") identifying defendant Eunel Tannis-Boatswain as his spouse. The 2006 Enrollment Form did not identify any other beneficiary of the group life benefit under the Policy at issue herein.

13. By communications to Amalgamated Life staff during 2016, defendant Keisha Boatswain and defendant Eunel Tannis-Boatswain have asserted claims to the life insurance proceeds payable under Mr. Boatswain's policy.

14. Upon information and belief, no suits have been filed by any of the defendants at this time. However, plaintiff anticipates such suits to be filed by the defendants, and plaintiff recognizes its duty to defend against such suits, if any, when filed, and to pay on behalf of its insured all sums that plaintiff will become legally obligated to pay as the life insurance benefit under the group life Policy, subject to its policy limits. All of the defendants listed above have or may have claims against the life insurance proceeds described above, which will subject plaintiff to multiple and possibly conflicting claims and to a multiplicity of suits. Certain of the defendants have called on plaintiffs to pay the life insurance proceeds referenced above, which, in view of the number and extent of the claims and the uncertainty as to the person or persons to whom the life insurance proceeds should be paid, and the amounts in which claims should be paid, plaintiff cannot do.

15. As a result of the multiple and conflicting claims contained in this action, plaintiff is in doubt and cannot safely determine the liability of Amalgamated Life as between the claims, without great hazard to Amalgamated Life, and plaintiff does not know to which of the defendants, if any, it may safely pay claims under the above-referenced life insurance policy since the demands that have been made by the defendants under the above-referenced policy will not suffice to settle the existing claims.

16. Unless the defendants to this action are restrained or enjoined from prosecuting suits against plaintiff Amalgamated Life, either directly or indirectly, and from any effort to

collect from plaintiff any judgments rendered in any such suits, plaintiff and Amalgamated Life will be subjected to multiple or vexatious claims, inconsistent judgments, and will be prejudiced in the premises, and subjected to numerous suits, the outcome of which will not be properly determinative of the manner in which the limited life insurance proceeds held by plaintiff should be apportioned among the several claimants. This matter therefore falls within the purview of Section 2361, Title 28, United States Code.

**PLAINTIFF SEEKS PERMISSION TO MAKE PAYMENT INTO COURT REGISTRY**

17. Plaintiff Amalgamated Life requests that it be permitted to pay into the registry of this Court the sum of \$30,000.00, the principal amount due under the terms and provisions of the life insurance policy, and abides by the orders and judgments of this Court.

**THEREFORE**, plaintiffs respectfully request that:

A. Process be issued in the manner and form and returnable as by law required for each and all of the defendants, directed to each of the defendants, as set forth above.

B. Each of the defendants may be ordered and commanded to interplead and to settle among themselves their respective rights and claims to the sum of \$30,000.00 due and payable under the contract of life insurance.

C. This Court enter an order enjoining and restraining each and all of the defendants from instituting or prosecuting further any proceeding in any state or United States court on account of the life insurance policy.

D. On final hearing, each of the defendants and their agents, attorneys, representatives, assigns and all other persons claiming by, through, or under them or any of them, be perpetually enjoined and restrained from instituting or prosecuting further any proceeding in this Court or

any other court of law or in equity against the plaintiff Amalgamated Life on account of the policy described above.

E. The plaintiff Amalgamated Life and the Fund may be fully and finally discharged from all further liability by reason of payment of the proceeds of such life insurance policy into this Court.

F. The plaintiff Amalgamated Life may be awarded reasonable and proper attorneys' fees and court costs in connection with the filing of this complaint.

G. The Court grant such further relief as may, in its discretion, appear to be proper.

Dated: January 6, 2017  
White Plains, New York

**AMALGAMATED LIFE INSURANCE  
COMPANY, Plaintiff**

By: 

David C. Sapp, Esq. (DS 5781)

*Attorney for Plaintiff*

333 Westchester Avenue  
North Building- First Floor  
White Plains, New York 10604  
(914) 367-5576 (voice)  
(914) 367-2576 (fax)

[dsapp@amalgamatedlife.com](mailto:dsapp@amalgamatedlife.com)

## **EXHIBIT B**





UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
AMALGAMATED LIFE INSURANCE COMPANY,

Civil Action No. 17cv91

Plaintiff(s)

AFFIDAVIT OF SERVICE

v.

KEISHA BOATSWAIN; et al.,

Defendant(s)

-----X  
STATE OF NEW YORK )

S.S.

COUNTY OF NEW YORK)

TIMOTHY M. BOTTI, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 10<sup>th</sup> day of January, 2017, at approximately the time of 1:35pm, deponent served a true copy of the SUMMONS IN A CIVIL ACTION, COMPLAINT, JUDGE PAMELA K. CHEN INDIVIDUAL PRACTICES AND RULES, INDIVIDUAL PRACTICE RULES OF MAGISTRATE JUDGE STEVEN L. TISCIONE, RULE 73 NOTICE AND ECF USER'S GUIDE upon EUNEL TANNIS-BOATSWAIN at 1628 East 92<sup>nd</sup> Street, Side Entrance, Brooklyn, NY 11236 by personally delivering and leaving the same with EUNEL TANNIS-BOATSWAIN at that address. At the time of service, deponent asked EUNEL TANNIS-BOATSWAIN whether she is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

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EUNEL TANNIS-BOATSWAIN is a black female, approximately 61 years of age, stands approximately 5 feet 6 inches tall, weighs approximately 140 pounds with black hair, dark eyes wearing glasses and speaking with an accent.

TIMOTHY M. BOTTI, #843358

Sworn to before me this  
12<sup>th</sup> day of January, 2017

NOTARY PUBLIC

JONATHAN RIPPS  
Notary Public-State of New York  
No. 01R16109718  
Qualified in New York County  
Commission Expires May 17, 2020

## **EXHIBIT C**



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

----- X  
**AMALGAMATED LIFE INSURANCE COMPANY,**

**Civil Action No. 17cv91**

**Plaintiff(s)**

**AFFIDAVIT OF SERVICE**

**v.**

**KEISHA BOATSWAIN; et al.,**

**Defendant(s)**  
----- X

**STATE OF NEW YORK )  
S.S.  
COUNTY OF NEW YORK)**

**NELSON CARVAJAL**, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, **DLS, INC.**, and is not a party to this action.

That on the 2<sup>nd</sup> day of March, 2017, at approximately the time of 8:11 am, deponent served a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT, JUDGE PAMELA K. CHEN INDIVIDUAL PRACTICES AND RULES, INDIVIDUAL PRACTICE RULES OF MAGISTRATE JUDGE STEVEN L. TISCIONE, RULE 73 NOTICE AND ECF USER'S GUIDE** upon **ROSAVAL BOATSWAIN** at 209-21 Hollis Avenue, 1<sup>st</sup> Floor, Queens Village, NY 11429 by personally delivering and leaving the same with her Daughter, **KEISHA BOATSWAIN**, a person of suitable age and discretion at that address, the actual place of residence. At the time of service, deponent asked **KEISHA BOATSWAIN** whether **ROSAVAL BOATSWAIN** is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

**KEISHA BOATSWAIN** is a black female, approximately 57 years of age, stands approximately 5 feet 4 inches tall, weighs approximately 170 pounds with brown hair and brown eyes.



That on the 2<sup>nd</sup> day of March, 2017, deponent served another copy of the foregoing upon ROSAVAL BOATSWAIN by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

ROSAVAL BOATSWAIN  
209-21 Hollis Avenue  
1<sup>st</sup> Floor  
Queens Village, NY 11429

  
NELSON CARVAJAL, #965441

Sworn to before me this  
7<sup>th</sup> day of March, 2017

  
NOTARY PUBLIC

JONATHAN RIPPS  
Notary Public-State of New York  
No. 01R16109718  
Qualified in New York County  
Commission Expires May 17, 2020

## **EXHIBIT D**



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
**AMALGAMATED LIFE INSURANCE COMPANY,**

**Civil Action No. 17cv91**

**Plaintiff(s)**

**AFFIDAVIT OF SERVICE**

**v.**

**KEISHA BOATSWAIN; et al.,**

**Defendant(s)**  
-----X

**STATE OF NEW YORK )  
S.S.  
COUNTY OF NEW YORK)**

**DERICK A. MARTIN**, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, **DLS, INC.**, and is not a party to this action.

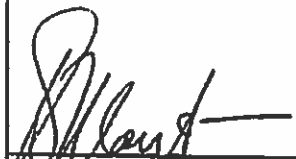
That on the 2<sup>nd</sup> day of March, 2017, at approximately the time of 7:45am, deponent served a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT, JUDGE PAMELA K. CHEN INDIVIDUAL PRACTICES AND RULES, INDIVIDUAL PRACTICE RULES OF MAGISTRATE JUDGE STEVEN L. TISCIONE, RULE 73 NOTICE AND ECF USER'S GUIDE** upon **MELONI BOATSWAIN** at 1687 Howard Place, Baldwin, NY 11510 by personally delivering and leaving the same with her Mother, **BETTY SPEIGHTS**, a person of suitable age and discretion at that address, the actual place of residence. At the time of service, deponent asked **BETTY SPEIGHTS** whether **MELONI BOATSWAIN** is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

**BETTY SPEIGHTS** is a black female, approximately 60 years of age, stands approximately 5 feet 7 inches tall, weighs approximately 160 pounds with black hair and brown eyes.




That on the 2<sup>nd</sup> day of March, 2017, deponent served another copy of the foregoing upon MELONI BOATSWAIN by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

MELONI BOATSWAIN  
1687 Howard Place  
Baldwin, NY 11510

  
DERICK A. MARTIN, #2008319

Sworn to before me this  
7<sup>th</sup> day of March, 2017

  
NOTARY PUBLIC

JONATHAN RIPPS  
Notary Public-State of New York  
No. 01RI6109718  
Qualified in New York County  
Commission Expires May 17, 2020



## **EXHIBIT E**

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

AMALGAMATED LIFE INSURANCE COMPANY,

Plaintiff,

-against-

KEISHA BOATSWAIN; KAWESI BOATSWAIN;  
EUNEL TANNIS-BOATSWAIN; ROSAVAL  
BOATSWAIN; and MELONI BOATSWAIN,

Defendants.

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
AUG 09 2017  
BROOKLYN OFFICE  
17-cv-00091(PKC)(ST)

**CERTIFICATE  
OF DEFAULT**

I, Douglas C. Palmer, Clerk of Court of the United States District Court for the Eastern District of New York, do hereby certify that the defendants Eunel Tannis-Boatswain, Rosaval Boatswain, and Meloni Boatswain have not filed an answer or otherwise moved with respect to the complaint herein. The default of defendants Eunel Tannis-Boatswain, Rosaval Boatswain, and Meloni Boatswain is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: August 9<sup>th</sup>, 2017  
Brooklyn, New York

DOUGLAS C. PALMER, Clerk of Court

By: Donet Hamelton  
Deputy Clerk